

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 325 – SB 521

March 12, 2013

SUMMARY OF ORIGINAL BILL: Deletes or updates various outdated and obsolete provisions of the Tennessee Code Annotated, Titles 4, 54 and 55, regarding the Department of Transportation (TDOT), highways, bridges, and ferries, and motor and other vehicles. Deletes the inconsistent requirement that the cost of signage and marking of an interstate, federal or state highway, designated as a memorial highway for a state law enforcement officer killed in the line of duty be paid from the Highway Fund, subject to the appropriation by the General Assembly. Increases the punishment for vandalism of public highway structures, from a Class A misdemeanor to an offense punishable as theft of property ranging from a Class A misdemeanor to a Class A felony, depending on the value of the property. Requires the Commissioner of TDOT to report to members of the General Assembly, upon request rather than annually, the progress of the surety bond guarantee program created for small businesses to act as subcontractors on TDOT construction projects.

Deletes the Tennessee Passenger Railroad Commission, the Access Improvement Fund Act of 1971, the County Highway Commission, and the wildflower preservation and propagation pilot project. Deletes the requirement that disadvantaged business enterprises must participate in ten percent of all contracts entered into by the State for construction of specific service signs. Deletes the reporting requirements for TDOT regarding compensation received for use of the rights-of-way, or funds expended on intelligent transportation system projects. Requires the Commissioner of TDOT, rather than the Commissioner of the Department of Tourist Development, to prepare a comprehensive statewide scenic highway plan.

Removes the maximum speed limit of 50 miles per hour on scenic highways. Increases the offense for theft of county highway or road money by a chief administrative officer, from a felony punishable by imprisonment from three to twenty years, to a offense punishable as theft of property ranging from a Class A misdemeanor to a Class A felony, depending on the value of the property. Deletes a Class C misdemeanor offense for any person who places any material or thing that may obstruct or damage a highway. Removes the annual reporting requirement for the Department of Safety (DOS) regarding its activities. Deletes obsolete language regarding the Tennessee Financial Responsibility Law of 1977. Deletes the requirement of DOS to approve testing sites for headlights and stations for adjusting lights or brakes.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$56,700/Incarceration*

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*Tennessee Code Annotated, Section 9-4-210, requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.

SUMMARY OF AMENDMENT (004531): Deletes and rewrites the original bill such that the only substantive changes are as follows: deletes Section 3 and Section 4 which increase the punishment for vandalism of public highway structures, depending on the value of the property; details the amount to be charged by a ferry on the state highway system, as currently outlined in Tennessee Code Annotated; and includes a severability clause.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Any administrative or fiscal impact on TDOT as a result of this bill as amended will be not significant.
- Any administrative or fiscal impact on DOS as a result of this bill as amended will be not significant.
- Any administrative or fiscal impact on local government as a result of this bill as amended will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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